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PTO/SB/01 (6-95)

Approved for use through: 10/31/98 OMB 0651-0032

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Type a plus sign (+) inside this box → ☐

0010/PTO Rev. 6/95  <b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing    OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket Number	H 3185 PCT/US
		First Named Inventor	FABRY, Bernd
	<b>COMPLETE IF KNOWN</b>		
	Application Number	09/554,387	
	Filing Date	06/29/2000	
	Group Art Unit		
		Examiner Name	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**USE OF MIXTURES OF ACTIVE AGENTS CONTAINING PHYTOSTENOL FOR PRODUCING  
HYPOCHOLESTERAEMIC PREPARATIONS**

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

11/05/1998

as United States Application Number or PCT International

Application Number PCT/EP98/07059

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES NO
197 50 453.1	Germany	11/14/1997	<input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority sheet attached hereto:

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.
		<input type="checkbox"/>

Burden Hour Statement: This form is estimated to take .4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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EL541612275US

## DECLARATION

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I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code §112.1 acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
	PCT/EP98/07059	11/05/1998	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Firm Name  Customer Number  or label

☒ List Attorney(s) and/or agent(s) name and registration number below:

Name	Registration Number	Name	Registration Number
John E. Drach	32,891	Aaron R. Ettelman	42,516
Steven J. Trzaska	36,296	Henry E. Millson, Jr.	18,980

☐ Additional attorney(s) and/or agent(s) named on a supplemental sheet attached hereto.

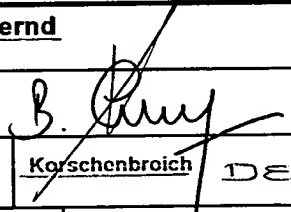
Please direct all correspondence to: ☒ Customer Number  or label 23657 OR ☒ Fill in correspondence address below

Name	Aaron R. Ettelman							
Address	Cognis Corporation - Patent Department							
Address	2500 Renaissance Boulevard, Suite 200							
City	Gulph Mills				State	PA	ZIP	19406
Country	USA		Telephone	610-278-4930		Fax	610-278-6548	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned

Given Name	Bernd	Middle Initial		Family Name	Fabry	Suffix e.g. Jr.	
Inventor's Signature						Date	May 16, 2000
Residence: City	Korschenbroich	State	DEX	Country	Germany	Citizenship	Germany
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Post Office Address							
City	41352 Korschenbroich	State		Zip		Country	Germany
Applicant Authority							

☐ Additional inventors are being named on supplemental sheet(s) attached hereto

Express Mail" Mailing Label No. EL541612275US .

PATENT

Docket No. H 3185 PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re: Application of  
Bernd FabrySerial No. 09/554,387  
Filed: 06/29/00  
PCT/EP98/07059Examiner:  
Art Unit:

International Filing Date: November 5, 1998

Priority Date Claimed: November 14, 1997

TITLE: USE OF MIXTURES OF ACTIVE AGENTS CONTAINING  
PHYTOSTENOL FOR PRODUCING HYPOCHOLESTERAEMIC  
PREPARATIONS**TRANSMITTAL OF DECLARATION  
UNDER 37 CFR SECTION 1.494/5(c)**Commissioner for Patents  
Box PCT  
Washington, D.C. 20231Attn: Shakeel Ahmed  
DO/EO/US

Sir:

No original declaration or oath was filed earlier herein. Accordingly, enclosed is the original declaration or oath for this application.

Please charge our Deposit Account No. 50-1177 in the amount of \$130.00 as prescribed by 37 CFR 1.492(e) for the surcharge and processing fee for filing a declaration on a date later than 20/30 months after the priority date of the application. A triplicate of this sheet is enclosed along with an executed declaration. Order No. 00-0386. Authorization is also granted to charge any deficiency to Deposit Account 50-1177.

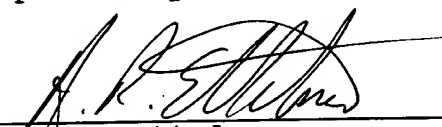
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June 29, 2000  
(Date)

Respectfully submitted,

  
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